

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**In Re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation**

**Master File No. 1:00-1898
MDL No. 1358 (SAS)
M21-88**

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This Document Relates To:

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*Craftsbury Fire District #2 v. Amerada Hess
Corp. et al.*, Case No. 04-CV-3419

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**PLAINTIFF AND DEFENDANTS BRADFORD OIL CO. INC.,
D&C TRANSPORTATION, INC. and FRED'S PLUMBING &
HEATING INC.'S JOINT MOTION FOR VOLUNTARY
DISMISSAL WITHOUT PREJUDICE PURSUANT TO FRCP 41(a)(2)**

Plaintiff Craftsbury Fire District #2 ("Plaintiff") owns and operates a public drinking water system(s) that supplies water to residential and business users within its service areas. Plaintiff alleges that its water supplies are impacted and/or threatened by MTBE contamination. Because this matter is not a "focus cases", minimal discovery or other work has been conducted in this matter.

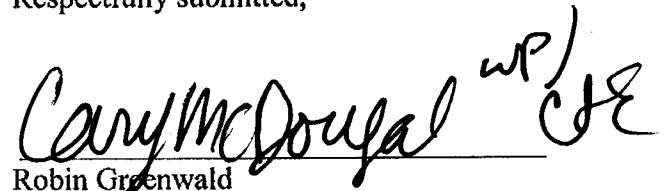
Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff and Defendants Bradford Oil Co., Inc., D&C Transportation, Inc. and Fred's Plumbing & Heating Inc. ("Defendants") now jointly move for dismissal without prejudice. Plaintiff has decided not to pursue its MTBE claims against these Defendants at this time. Plaintiff and Defendants have agreed that Plaintiff may refile MTBE claims against these Defendants in the event that Plaintiff, upon receipt of further information, determines the MTBE claims against Defendants are

meritorious. Plaintiff and Defendants ask the court to dismiss Plaintiff's MTBE claims against Bradford Oil Co., Inc., D&C Transportation, Inc. and Fred's Plumbing & Heating Inc. without prejudice, with each party to bear its own costs. Plaintiff and Bradford Oil Co., Inc., D&C Transportation, Inc. and Fred's Plumbing & Heating Inc. agree that this request is reasonable and prejudices neither Plaintiff nor Defendants.

DATED: ~~February~~ ^{March} 3rd, 2010.

Respectfully submitted,

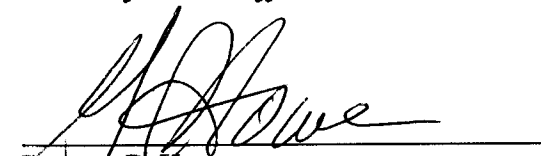
by:

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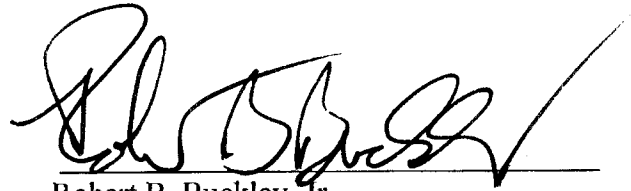
Robin Greenwald
WEITZ & LUXENBERG, P.C.
700 Broadway
New York, New York 10038
Telephone: 212-558-5802
Facsimile: 212-344-5461

Cary McDougal
BARON & BUDD, P.C.
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219
Telephone: 214-521-3605
Facsimile: 214-520-1181
Counsel for Plaintiff

by:


Gregory P. Howe
5346 US Route 5
Newport, Vermont 05855-9472
Telephone: 802-334-6718
Facsimile: 802-334-6024
*Counsel for Defendants D&C
Transportation, Inc. and
Fred's Plumbing & Heating Inc.*

by:

A handwritten signature in black ink, appearing to read "R. Buckley, Jr.", with a large checkmark at the end. The signature is written over a horizontal line.

Robert B. Buckley, Jr.

The Chimneys

2 Maple Street, Suite 310

Hanover, New Hampshire 03755

(603) 643-3777

(603) 643-3888

Counsel for Defendant

Bradford Oil Co., Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFF AND DEFENDANTS BRADFORD OIL CO., INC., D&C TRANSPORTATION, INC. and FRED'S PLUMBING & HEATING INC.'S JOINT MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE PURSUANT TO FRCP 41(a)(2)** was served on all counsel of record by posting it directly to LexisNexis File & Serve on March 3rd, 2010.


SHELLY PETERSEN